

## **REMARKS**

### **The Office Action**

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4-8 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,104,809 to Day, et al. ("Day").

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day in view of U.S. Patent No. 5,109,991 to McPherson, et al. ("McPherson").

Claims 9 and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Day in view of McPherson.

Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day in view of U.S. Patent No. 2,786,281 to Kramer, et al. ("Kramer").

### **Summary of Amendments to the Specification**

As suggested by the Examiner, paragraph [0015] of the specification has been amended to clarify that the term "holder" is a more general term for an element that holds wallcovering samples, while the term "deck" is a more specific term that refers to a particular type of "holder." Accordingly, it is now requested that the Examiner withdraw the rejection of claim 4 under 35 U.S.C. §112, second paragraph.

### **Background**

As previously pointed out, the present application is directed to a system and/or method for organizing and displaying a plurality of different wallcovering samples. In particular, samples are sorted and stacked into separate decks based upon the particular color characteristics of the individual samples, e.g., the predominate hue of each sample. Accordingly, for example, one deck may contain a set of samples where each sample has a predominately green hue, but with a variety of different patterns, finishes, constructions,

etc.; while another deck may contain a set of samples where each sample has a predominately blue hue, but with a variety of different patterns, finishes, constructions, etc; and so on for each distinct or separate hue. Notably, the present approach represents a significant departure from conventional prior art approaches, and realizes practical advantages over these prior art approaches.

Traditionally, wallcovering sample books are presented and/or organized according to pattern. That is to say, one book typically contains samples representing all the different color variants for a single pattern; while a second book contains samples representing all the different color variants for another single pattern; and so on for each pattern in the collection. This conventional and long standing practice of grouping wallcovering samples according to pattern, however, is not always conducive or beneficial to the design or wallcovering selection process.

For example, the Applicant has discovered that a consumer or designer shopping for wallcovering often wants to match the “correct” color of the wallcovering to the environment in which it will be used. That is to say, in the wallcovering selection process, often color is a relatively higher priority as compared to pattern. Accordingly, by grouping samples of like color together, the decision making and/or selection process is advantageously streamlined. That is to say, the designer or consumer need not look through a variety of different pattern books each having an array of color choices to find all the patterns in a desired color – rather they may simply look through the one book having the desired color and select a particular pattern therefrom.

### **The Day Patent**

Day is directed to a color sample display device for paint samples. Notably, Day does not even mention wallcovering samples. FIGURES 1-3 of Day clearly show only a single sample holder or case 12 in which all the samples strips 14 are held. Nowhere does Day suggest that different hues or colors be sorted into separate distinct cases 12. That is to say, in accordance with the teachings of Day, all the individual strips (i.e., strips 46a, 46b, 46c, 46d ... 46m) are held in a single case 12, including samples of varying color characteristics. Day simply does not teach storing samples of different colors in different cases 12. Rather, Day teach exactly the opposite – namely, storing all of the samples

having varying color characteristics in the same case 12. Accordingly, the teaching of Day is directly contrary to the approach of the present application, which is directed to sorting and holding samples of different colors in a plurality of separate and distinct decks. That is to say, in the present application, a plurality of separate and distinct decks are used to hold a plurality of samples having different color characteristic, with each deck holding multiple sample exhibiting the same color variant. Conversely, in accordance with Day, a single case 12 holds all of the samples exhibiting an array of different color variants. Nowhere does Day teach sorting the various samples into different cases 12 based upon common color characteristics.

### **The Present Claims Distinguish Patentably over the Prior Art**

The rejection of claim 1 is hereby traversed. Significantly, claim 1 calls for "a plurality of wallcovering samples, each sample having a color characteristics; and, a plurality of separate sample holders disconnected from one another, each holder being dedicated to a different color group and configured to hold a set of the samples." As claimed, "the samples are organized into the holders based upon their respective color characteristics such that each holder holds a set of samples having like color characteristics." Day clearly does not teach the foregoing.

As claimed, the samples are organized into a plurality of different holders based upon their color characteristics such that each holder which is dedicated to a different color group contains a set of sample with like color characteristic. Importantly, Day fails to disclose a plurality of separate sample holders disconnected from one another as claimed. Rather, Day only discloses a single case 12 which holds all of the sample strips 14. Nowhere does Day disclose more than one case 12 or sample holder. Moreover, nowhere does Day teach sorting the various samples into different holders or cases 12 based upon common color characteristics.

Additionally, Day fails to disclose a plurality of wallcovering samples. Importantly, Day never mentions wallcoverings. Rather, Day is directed to paint samples.

Accordingly, claim 1 is clearly not anticipated by Day. Therefore, it is respectfully submitted that claim 1 distinguishes patentably over the references, along with claims 2-8 depending therefrom.

The rejection of claims 9 is also traversed. Significantly, claim 9 recites "identifying a plurality of wallcovering samples by a color characteristic possessed by each sample; sorting the samples into a plurality of sets, each set having therein samples identified by like color characteristics; and, individually holding each set of samples together in a distinct color group, each color group being distinguished by that color characteristic which caused the samples to be sorted into the set so held." Again, Day fails to disclose any particular method by which the samples are sorted. Rather, Day teaches a single case **12** that holds all of the strips **14** together regardless of the varying array of different color characteristics. Nowhere does Day even suggest sorting the samples into different sets, let alone sorting them according to their color characteristics.

More specifically, Day fails to disclose individually hold each set of samples as claimed. On the contrary, Day expressly teaches that all the sample sets are collectively held by a single case **12**.

Accordingly, it is respectfully submitted that claim 9 distinguishes patentably over the prior art along with claims 10-16 that depend therefrom.

It is further submitted that new claims 17-19 also distinguish patentably over the prior art. For example, claim 17 recites "a plurality of wallcovering samples, each sample having a color characteristics; and, a plurality of sample holders, each holder being dedicated to a different color group and configured to hold a single distinct set of the samples; wherein the samples are organized into the holders based upon their respective color characteristics such that each holder holds a single distinct set of samples having like color characteristics and each sample is included in only one holder." The prior art fails to disclose the foregoing.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted that all the claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to telephone the below signed at the telephone number listed.

Respectfully submitted,

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